

Message Text

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ACTION EA-14

INFO OCT-01 IO-14 ISO-00 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 SAM-01 ACDA-19 OMB-01 NIC-01 EB-11

AF-10 ARA-16 EUR-25 NEA-11 DRC-01 /206 W

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R 150940Z FEB 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 032

INFO AMEMBASSY SAIGON

USMISSION GENEVA

USMISSION USUN NEW YORK

C O N F I D E N T I A L TOKYO 2142

E.O. 11652: GDS

TAGS: PARM, ICRC, UN, OAU, VN

SUBJECT: CONFERENCE ON LAW OF WAR: PRG AND AFRICAN LIBERATION
MOVEMENT PARTICIPATION

REF: TOKYO 2062 (AND PREVIOUS)

SUMMARY: EMBOFF CONTACTED FIRST SE ASIA DIV HEAD
HANABUSA TO CLARIFY GOJ POSITION REGARDING PRG
PARTICIPATION IN LAW OF WAR CONFERENCE. HANABUSA
STATED THAT THERE WAS NO CHANGE IN GOJ POLICY
TOWARD PRG. NEVERTHELESS, HANABUSA CONTENDED
CONFERENCE IS QTE UNIQUE UNQTE AND GOJ IS NOT OPPOSED
TO AFRICAN LIB MOVEMENT REPS AND PRG ATTENDING AS
OBSERVERS. HANABUSA INSISTS THAT POSITION ON CURRENT
CONFERENCE WILL NOT SERVE AS PRECEDENT FOR FUTURE
GOJ POSITIONS. END SUMMARY

1. AS PROMISED REFTL, EMBASSY DISCUSSED GOJ ATTITUDE
ON LAW OF WAR CONFERENCE WITH FONOFF FIRST SE ASIA
DIV HEAD HANABUSA TO CLARIFY JAPANESE ATTITUDE
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TOWARD PRG PARTICIPATION. HANABUSA SAID THAT HIS

DIVISION WAS FULLLY CONSULTED ON SUBJECT AND THAT THERE WAS NO RPT NO CHANGE IN GOJ FIRM POSITION OF QTE NON-RECOGNITION UNQTE OF PRG. HANABUSA CONTENDED THAT THIS WAS UNIQUE CONFERENCE AND BY DINT OF ITS NATURE GOJ WAS NOT RPT NOT OPPOSED TO VIEWS OF ANY PARTY BEING REPRESENTED, WHETHER AFRICAN OR VIETNAMESE, WHICH WAS SUBSTANTIALLY INVOLVED IN HOSTILITIES. HE PERSONALLY FAVORED THEIR VIEWS BEING MADE KNOWN IN WRITTEN FORM ONLY. HE SAID THAT GOJ WOULD VOTE AFFIRMATIVELY ON PARTICIPATION AS OBSERVERS BY VARIOUS AFRICAN LIBERATION MOVEMENTS AND PRG. ON QUESTION OF THEIR ATTENDING AS FULL MEMBERS, HANABUSA SAID THAT GOJ DELEGATION WOULD ABSTAIN ACROSS THE BOARD.

2. HANABUSA SAID GOJ POSITION WAS DECIDED IN UN BUREAU IN CONSULTATIONS WITH ME/AFRICA AND ASIAN BUREAUS. AFRICAN DIV CONTENDED THAT GOJ POSITION SHOULD BE CONSISTENT WITH PRECEDENT SET IN FAO VOTE (STATE 27792, PARA 5) AND ALSO IN LINE WITH DOMESTIC AND INTERNATIONAL POLITICAL REQUIREMENTS. FOR REASONS CITED REFTEL, AFRICAN BUREAU ADVOCATED ABSTENTION ON FULL MEMBERSHIP VOTE. HANABUSA SAID HIS ASIA BUREAU WOULD HAVE BEEN SATISFIED WITH NEGATIVE NOTE ON FULL PARTICIPATION FOR PRS AND ALL AFRICAN LIBERATION MOVEMENT REPS, BUT IF VIEW PREVAILED THAT AFRICANS SHOULD BE REPRESENTED THEN CONSISTENT VOTE ON PRG WAS IN ORDER.

3. HANABUSA SAID FONOFF COULD MAKE NO LEGAL DISTINCTION BETWEEN AFRICANS AND PRG. (HE SAID IN FACT PRG POSITION WAS CONSIDERABLY STRONGER THAN THAT OF AFRICANS.) EMBOFF COUNTERED NOTING THAT THERE WERE POLITICAL REASONS FOR DISTINCTION BUT ALSO POINTING OUT THAT WE WOULD NOT RPT NOT OBJECT TO AFRICAN PARTICIPATION UNDER UMBRELLA OF OAU, FOR EXAMPLE, AND HAZARDED THAT WE WOULD PRESUMABLY NOT RPT NOT OBJECT TO PRG'S PARTICIPATION AS OBSERVER AS PART OF HANOI'S OR SOME OTHER LEGAL DELEGATION. CONFIDENTIAL

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HANABUSA ACKNOWLEDGED RELEVANCE OF THIS POINT AND ASKED WHAT CHANCES WE THOUGHT INCLUSION OF AFRICANS UNDER ORGANIZATION UMBRELLA MIGHT HAVE OF GAINING ACCEPTANCE IN GENEVA. EMBOFF REPLIED HE WAS NOT IN POSITION TO ASSESS. EMBOFF SAID UNIQUENESS OF CONFERENCE NOTWITHSTANDING WE WERE VERY CONCERNED ABOUT PRECEDENT PRG ACCEPTANCE MIGHT SET.

4. EMBOFF PRESSED HANABUSA AS TO WHETHER GOJ POSITION REGARDING WAR CONFERENCE REFLECTED ANY CHANGE IN GOJ ATTITUDE TOWARD PRG AND WHETHER IT MIGHT NOT BE A PRECEDENT WHICH COULD INFLUENCE FUTURE POSITIONS ON PRG AS GOJ'S FAO VOTE ON GUINEA-BISSAU WAS INFLUENCING GOJ'S POSITION ON WAR CONFERENCE. HANABUSA STATED EMPHATICALLY THAT GOJ POSITION REGARDING CONFERENCE IN NO WAY REPRESENTED CHANGE IN GOJ FIRM ATTITUDE OF QTE NON-RECOGNITION UNQTE OF PRG AND INSISTED THAT FONOFF WOULD NOT RPT NOT REGARD THIS AS PRECEDENT IN FUTURE CASES.

5. COMMENT: DESPITE HANABUSA'S ASSERTION THAT GOJ POSITION ON PRG OBSERVER STATUS AT QTE UNIQUE UNQTE LAW OF WAR CONFERENCE REPRESENTS NON RPT NO CHANGE IN GOJ POSITION, WE DETECT A BIT OF SLIDE. THEREFORE, AS IN REFTTEL, WE URGE USDEL'S CONTACTING JAPANESE DEL IN GENEVA TO REINFORCE DISCUSSIONS HERE.

SHOESMITH

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